

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

| | | |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CR-21-221-TDD |
| |) | |
| DAVID DEVAL MARTIN, |) | |
| |) | |
| Defendant. |) | |

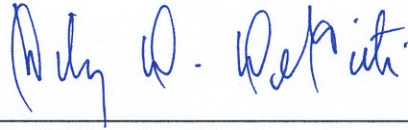
ORDER

Upon review of the file and noting no timely objection to the findings and recommendations of United States Magistrate Judge Gerald L. Jackson pursuant to 28 U.S.C. § 636(b)(1), the Court adopts the Report and Recommendation [Doc. No. 85] only as to the finding on Defendant’s competency to stand trial.

For the reasons stated in the Report and Recommendation, the Court finds by a preponderance of the evidence that “the [D]efendant is [not] presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. § 4241(d). The Court finds that Defendant is, therefore, competent to stand trial.¹

¹ The Court declines to adopt the Report and Recommendation as to the recommendation that Neil Van Dalsem be appointed standby counsel. The Court will address this issue after a *Faretta* hearing has been held and Defendant has been thoroughly questioned on his decision to proceed *pro se*. See *Faretta v. Cal.*, 422 U.S. 806 (1975).

IT IS SO ORDERED this 11th day of September, 2023.

A handwritten signature in blue ink, reading "Timothy D. DeGiusti". The signature is written in a cursive style with a large initial 'T' and 'D'.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE